

Notice of Allowability

Application No.

09/965,236

Examiner

Jon Chang

Applicant(s)

STEGE, CARSTEN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/9/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 9/26/01 & 12/9/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Jon Chang
Primary Examiner

Response to Applicant's Amendment and Arguments

1. The amendment and new drawings filed December 9, 2004, has been entered and made of record. Claims 1-20 have been amended. Claim 21 has been cancelled. Claims 1-20 are pending.

In response to the amendment, the objection to the claims due to informalities, the objection to the specification, and the rejection under 35 U.S.C. § 112, 2nd paragraph, are withdrawn.

In response to the new drawings, the objection to the drawings is withdrawn.

The rejection of claim 21 under 35 U.S.C. § 101 is rendered moot by the cancellation of the claim.

Applicant's arguments, see paragraph bridging pages 25 and 26, as well as those provided on pages 26-28, filed December 9, 2004, with respect to the claims have been fully considered and are persuasive. The rejection under 35 U.S.C. § 102(b) of claims 1, 3 and 19-20 has been withdrawn.

Although moot at this point, the Examiner does not find Applicant's arguments on page 24, sixth and eighth paragraphs, and page 25, second and fourth paragraphs to be persuasive. On page 24, sixth paragraph and eighth paragraphs, and page 25, second paragraph, Applicant essentially argues that Cootes does not generate the model from an image by image processing methods because Cootes describes generating a model by hand. The Examiner responds by pointing out that Cootes teaches only generating the landmarks by hand, not the model. The model results from the processing of the points (see sections 2 and 3; such processing is typically done

automatically by a computer, for example) pertaining to the image, and is therefore image an "image processing operation." On page 25, fourth paragraph, Applicant in essence argues that his invention cannot perform what Cootes' system can. This is not persuasive as the proper question should be whether Cootes anticipates the claimed invention.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

In claim 1, steps (c), (f), (g) and (h)), in combination with the other limitations of the claim, are not disclosed or suggested by the prior art of record. Claim 2 requires the same limitations, and further requires steps (c1), (c2) and (c3), which also are not disclosed or suggested by the prior art of record. Claim 19 recites limitations analogous to those in claim 1. Claims 3 and 5 depend from claim 1. Claims 4 and 6-18 depend from claim 2. Claim 20 requires the limitations of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Reference Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

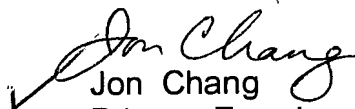
U.S. Patent 6,272,247 to Manickam et al. discloses pattern matching the pixels of a reference template against the pixels of a search image scene. An exhaustive search is performed. A correlation score indicative of the strength of a match is produced. Both the search image scene and the template are transformed into pyramid representations. This is equivalent to the claimed "multi-level representations." The patent does not disclose several aspects of the claimed invention, including the steps (c), (f), (g) and (h).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (571) 272-7417. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571)272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
May 2, 2005